

104TH CONGRESS
1ST SESSION

H. R. 2162

To restore immigration to traditional levels by curtailing illegal immigration
and imposing a ceiling on legal immigration.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1995

Mr. ARCHER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Commerce, Agriculture, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore immigration to traditional levels by curtailing
illegal immigration and imposing a ceiling on legal immigration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Reduction
5 Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents is as follows:

Sec. 1. Short title.

- Sec. 2. Table of contents.
- Sec. 3. Effective date.

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- Sec. 101. Immigration levels.
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- Sec. 103. Asylum reform.
- Sec. 104. Temporary protected status repealed.
- Sec. 105. Parole authority.

TITLE II—BORDER CONTROL

- Sec. 201. Border patrol personnel.
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- Sec. 301. Investigative personnel.
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TITLE VI—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

- Sec. 600. Statements of national policy concerning welfare and immigration.

Subtitle A—Eligibility for Federal Benefits Programs

- Sec. 601. Ineligibility of illegal aliens for certain public benefits programs.
- Sec. 602. Ineligibility of nonimmigrants for certain public benefits programs.
- Sec. 603. Limited eligibility of immigrants for 5 specified Federal public benefits programs.
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- Sec. 611. Ineligibility of illegal aliens for State and local public benefits programs.

- Sec. 612. Ineligibility of nonimmigrants for State and local public benefits programs.
- Sec. 613. State authority to limit eligibility of immigrants for State and local means-tested public benefits programs.

Subtitle C—Attribution of Income and Affidavits of Support

- Sec. 621. Attribution of sponsor's income and resources to family-sponsored immigrants.
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- Sec. 651. Exclusion of aliens likely to become public charges.

TITLE VII—STRENGTHENING CITIZENSHIP

- Sec. 701. Constitutional citizenship.
- Sec. 702. Constitutional voting privilege.
- Sec. 703. Naturalization.
- Sec. 704. Legal actions by State and local governments.

TITLE VIII—IMMIGRATION AND NATURALIZATION SERVICE

- Sec. 801. Establishment of independent agency.
- Sec. 802. Conforming amendments.

1 **SEC. 3. EFFECTIVE DATE.**

2 Except where otherwise specifically provided, the pro-

3 visions of this Act are effective October 1, 1996.

4 **TITLE I—IMMIGRANTS AND**

5 **REFUGEES**

6 **SEC. 101. IMMIGRATION LEVELS.**

7 (a) Section 201 of the Immigration and Nationality

8 Act (8 U.S.C. 1151) is amended by—

1 (1) inserting “backlogged” before “family-spon-
2 sored immigrants” and inserting “and” after “fiscal
3 year;” in subsection (a)(1);

4 (2) striking “employment-based” in subsection
5 (a)(2) and inserting “priority-worker”;

6 (3) striking “year; and” in subsection (a)(2)
7 and inserting “year.”;

8 (4) striking subsection (a)(3);

9 (5) amending subsection (c) to read as follows:

10 “(c) WORLDWIDE LEVEL OF BACKLOGGED FAMILY-
11 SPONSORED IMMIGRANTS.—The worldwide level of back-
12 logged family-sponsored immigrants under this subsection
13 for a fiscal year is equal to—

14 “(1) 320,000, minus

15 “(2) the sum of—

16 “(A) the number of immediate relatives de-
17 scribed in section 201(b)(2) and priority work-
18 ers described in section 203(b) who were issued
19 immigrant visas or who otherwise acquired the
20 status of aliens lawfully admitted to the United
21 States for permanent residence in the previous
22 fiscal year, and

23 “(B) the number of refugees admitted
24 under section 207 in the preceding fiscal year.”;

25 (6) amending subsection (d) to read as follows:

1 “(d) The worldwide level of priority-worker immi-
2 grants under this subsection for a fiscal year is 25,000.”;
3 and

4 (7) striking subsection (e).

5 (b) Section 203 of the Immigration and Nationality
6 Act (8 U.S.C. 1153) is amended by—

7 (1) inserting “BACKLOGGED” before “FAMILY-
8 SPONSORED” and “backlogged” before “family-spon-
9 sored” in subsection (a);

10 (2) striking “23,400” in subsection (a)(1) and
11 inserting “10 percent of such worldwide level”;

12 (3) striking “114,200, plus the number (if any)
13 by which such worldwide level exceeds 226,000” in
14 subsection (a)(2) and inserting “51 percent of such
15 worldwide level”;

16 (4) striking “23,400” in subsection (a)(3) and
17 inserting “10 percent of such worldwide level”;

18 (5) striking “65,000” in subsection (a)(4) and
19 inserting “29 percent of such worldwide level”;

20 (6) amending subsection (b) to read as follows:

21 “(b) ALLOCATION FOR PRIORITY-WORKER IMMI-
22 GRANTS.—Visas shall be made available in a number not
23 to exceed the worldwide level of priority-worker immi-
24 grants to qualified immigrants who are aliens described
25 in any of the following paragraphs (1) through (4):

1 “(1) ALIENS WITH EXTRAORDINARY ABILITY.—

2 An alien is described in this paragraph if—

3 “(A) the alien has extraordinary ability in
4 the sciences, arts, education, business, or ath-
5 letics which has been demonstrated by sus-
6 tained national or international acclaim and
7 whose achievements have been recognized in the
8 field through extensive documentation,

9 “(B) the alien seeks to enter the United
10 States to continue work in the area of extraor-
11 dinary ability, and

12 “(C) the alien’s entry into the United
13 States will substantially benefit prospectively
14 the United States.

15 “(2) OUTSTANDING PROFESSORS AND RE-
16 SEARCHERS.—An alien is described in this para-
17 graph if—

18 “(A) the alien is recognized internationally
19 as outstanding in a specific academic area,

20 “(B) the alien has at least 3 years of expe-
21 rience in teaching or research in the academic
22 area, and

23 “(C) the alien seeks to enter the United
24 States—

1 “(i) for a tenured position (or tenure-
2 track position) within a university or insti-
3 tution of higher education to teach in the
4 academic area,

5 “(ii) for a comparable position with a
6 university or institution of higher edu-
7 cation to conduct research in the area, or

8 “(iii) for a comparable position to
9 conduct research in the area with a depart-
10 ment, division, or institute of a private em-
11 ployer, if the department, division, or insti-
12 tute employs at least 3 persons full-time in
13 research activities and has achieved docu-
14 mented accomplishments in an academic
15 field.

16 “(3) CERTAIN MULTINATIONAL EXECUTIVES
17 AND MANAGERS.—An alien is described in this para-
18 graph if the alien, in the 3 years preceding the time
19 of the alien’s application for classification and ad-
20 mission into the United States under this paragraph,
21 has been employed for at least 1 year by a firm or
22 corporation or other legal entity or an affiliate or
23 subsidiary thereof and the alien seeks to enter the
24 United States in order to continue to render services

1 to the same employer or to a subsidiary or affiliate
2 thereof in a capacity that is managerial or executive.

3 “(4) EMPLOYER-SPONSORED WORKERS WITH
4 ADVANCED DEGREES OR EXCEPTIONAL ABILITY.—

5 An alien is described in this paragraph if—

6 “(A) the alien holds an advanced degree or
7 possesses exceptional ability,

8 “(B) the alien’s services in the sciences,
9 the arts, a profession, or a business are sought
10 by an employer in the United States, and

11 “(C) such services will substantially benefit
12 prospectively the national economy.”;

13 (7) amending subsection (c) to read as follows:

14 “(c) DISTRIBUTION OF VISAS.—Visas shall be made
15 available to priority-worker immigrants in the order in
16 which a petition on behalf of each such immigrant is filed
17 with the Attorney General, and waiting lists of applicants
18 for visas shall be maintained in accordance with regula-
19 tions prescribed by the Secretary of State.”;

20 (8) striking “(a), (b), or (c)” in subsections (d),
21 (f), and (g) and inserting “(a) or (b)”;

22 (9) amending subsection (e) to read as follows:

23 “(e) VISA CUT-OFF FOR FAMILY SPONSORED IMMI-
24 GRANTS.—No visas shall be allotted to any alien subject
25 to the worldwide level for backlogged family immigrants

1 unless a petition on that alien's behalf for classification
2 by reason of a relation described in any paragraph of sub-
3 section (a) was approved prior to October 1, 1996.”.

4 (c) Section 204 of the Immigration and Nationality
5 Act (8 U.S.C. 1154) is amended—

6 (1) in subsection (a)(1)(A) by striking “the
7 classification by reason of a relationship described in
8 paragraph (1), (3), or (4) of section 203(a) or”;

9 (2) by striking subparagraphs (B), (C), (D),
10 (E), (F), and (G) in subsection (a)(1) and inserting:

11 “(B) any alien desiring to be classified
12 under section 203(b)(1), or any person on be-
13 half of such an alien, may file a petition with
14 the Attorney General for such classification,
15 and

16 “(C) any employer desiring and intending
17 to employ within the United States an alien en-
18 titled to classification under section 203(b)(2),
19 203(b)(3), or 203(b)(4) may file a petition with
20 the Attorney General for such classification.”;

21 (3) striking “203(b)(2) or 203(b)(3)” in sub-
22 section (b) and inserting “203(b)(4)”;

23 (4) striking in subsection (e) “subsection (a),
24 (b), or (c) of”;

1 (5) striking in subsection (f)(1) “, 203(a)(1), or
2 203(a)(3), as appropriate”; and

3 (6) adding after subsection (g) the following:

4 “(h) Notwithstanding any other provision of this sec-
5 tion, the Attorney General shall not approve after Septem-
6 ber 30, 1996, any petitions for classification by reason of
7 a relationship described in any paragraph of section
8 203(a).”.

9 (d) Section 214(g)(1)(A) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1184(g)(1)(A)) is amended by
11 striking “65,000” and inserting “30,000”.

12 **SEC. 102. REFUGEE REFORM.**

13 Section 207 of the Immigration and Nationality Act
14 (8 U.S.C. 1157) is amended by—

15 (1) striking subsection (a) and inserting:

16 “(a) Except as provided in subsection (b), the number
17 of refugees who may be admitted under this section in any
18 fiscal year may not exceed 50,000. Admissions under this
19 subsection shall be allocated by the President among refu-
20 gees of special humanitarian concern to the United
21 States.”;

22 (2) adding after subsection (e) the following:

23 “(f) No person shall receive any preference or priority
24 or be discriminated against in the determination of refu-

1 gee status or in the admission of refugees because of the
2 person's race, sex, religion, or nationality.''; and

3 (3) Notwithstanding the limitation under sec-
4 tion 207(a) of the Immigration and Nationality Act,
5 such limitation shall not apply to refugee admissions
6 under Public Law 89-732.

7 **SEC. 103. ASYLUM REFORM.**

8 (a) Section 208 of the Immigration and Nationality
9 Act (8 U.S.C. 1158) is amended by—

10 (1) striking “irrespective of such alien's sta-
11 tus,” from subsection (a) and inserting “who is not
12 excludable or deportable”;

13 (2) striking “is a refugee within the meaning of
14 section 101(a)(42)(A)” and inserting “departed the
15 country of his nationality or the country in which he
16 last habitually resided and is unable or unwilling to
17 return because it is more likely than not that his life
18 or freedom will be threatened in that country based
19 upon his race, religion, nationality, or political opin-
20 ion”; and

21 (3) adding after subsection (d) the following:

22 “(e) No person shall receive any preference or prior-
23 ity or be discriminated against in the granting or termi-
24 nation of asylum because of the person's race, sex, reli-
25 gion, or nationality.

1 “(f)(1) Subject to paragraph (2), an alien’s applica-
2 tion for asylum shall not be considered under this section
3 unless—

4 “(A) the alien has filed, not later than 30 days
5 after being admitted or coming to the United States,
6 notice of intention to file such an application, and

7 “(B) such application is actually filed not later
8 than 60 days after being admitted or coming to the
9 United States.

10 “(2) An application for asylum may be considered,
11 notwithstanding that the requirements of paragraph (1)
12 have not been met, only if the alien demonstrates by clear
13 and convincing evidence changed circumstances in the
14 alien’s country of nationality (or in the case of an alien
15 with no nationality, in the country where the alien has
16 habitually resided) affecting eligibility for asylum.”.

17 (b) Section 243(h) of the Immigration and National-
18 ity Act (8 U.S.C. 1253(h)) is amended by adding at the
19 end the following new paragraph:

20 “(3) Paragraph (1) shall not apply to any pro-
21 ceeding that did not commence with the alien’s vol-
22 untary presentment of himself for inspection, exclu-
23 sion, or deportation unless the threat to such alien’s
24 life or freedom arose subsequent to the commence-
25 ment of such proceeding.”.

1 **SEC. 104. REPEAL OF TEMPORARY PROTECTED STATUS.**

2 (a) Section 244A of the Immigration and Nationality
3 Act (8 U.S.C. 1254a) is repealed.

4 (b) An alien in the United States under temporary
5 protected status on the date of enactment of this Act may
6 continue such status until the earlier of—

7 (1) the date on which such status is withdrawn
8 or terminated by the Attorney General, or

9 (2) the date which is 180 days after the date
10 of the enactment of this Act.

11 (c) Section 244 of the Immigration and Nationality
12 Act (8 U.S.C. 1254) is amended by adding at the end the
13 following new subsection:

14 “(g) Except as specifically provided in this Act, the
15 Attorney General may not authorize any alien who is ex-
16 cludable or deportable to remain in the United States or
17 to engage in employment in the United States.”.

18 **SEC. 105. PAROLE AUTHORITY.**

19 Section 212(d)(5) of the Immigration and Nationality
20 Act (8 U.S.C. 1182) is amended by adding at the end the
21 following:

22 “(C) The Attorney General may not parole
23 groups or classes of aliens into the United
24 States. No alien shall be paroled into the
25 United States except on the basis of the alien’s
26 individual circumstances.

1 “(D) An alien who is paroled into the
2 United States may not be authorized to work in
3 the United States during the period of the
4 alien’s parole.

5 “(E) The Attorney General shall maintain
6 a record of parolees. The number of aliens pa-
7 roled into the United States by the Attorney
8 General, excluding those released temporarily
9 from custody while active proceedings are pend-
10 ing against them under this Act, shall not at
11 any time exceed 5,000.”.

12 **TITLE II—BORDER CONTROL**

13 **SEC. 201. BORDER PATROL PERSONNEL.**

14 (a) The number of full-time officer positions in the
15 border patrol of the Immigration and Naturalization Serv-
16 ice shall be increased to 5,900 in fiscal year 1997, 6,900
17 in fiscal year 1998, 7,900 in fiscal year 1999, 8,900 in
18 fiscal year 2000, and 9,900 in fiscal year 2001.

19 (b) There is authorized to be appropriated for each
20 of the fiscal years 1997, 1998, 1999, 2000, and 2001 such
21 amounts as may be necessary to provide for the increase
22 in positions provided by subsection (a) and for such sup-
23 port personnel as are necessary.

1 **SEC. 202. BORDER CROSSING FEES.**

2 Section 286 of the Immigration and Nationality Act
3 (8 U.S.C. 1356) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(s) LAND BORDER AND PORT OF ENTRY USER FEE
6 ACCOUNT.—

7 “(1) The Attorney General, after consultation
8 with the Secretary of State, shall impose at the time
9 of a person’s entry into the United States by land
10 or by sea a fee of \$1 for the person’s use of border
11 or port facilities and services of the Immigration and
12 Naturalization Service.

13 “(2) The Attorney General may—

14 “(A) adjust the border crossing user fee
15 periodically to compensate for inflation and
16 other escalation in the cost of carrying out the
17 purposes of this Act; and

18 “(B) develop and implement special dis-
19 counted fee programs for frequent border cross-
20 ers including, but not limited to, commuter cou-
21 pon books or passes.

22 “(3) The fees collected under paragraph (1)
23 shall be deposited as offsetting receipts into a sepa-
24 rate account entitled the ‘Border Crossing Fee Ac-
25 count’ in the Treasury of the United States. In each
26 calendar quarter the Secretary of the Treasury shall

1 refund out of the Border Crossing Fee Account to
2 any appropriation the amount paid out of such ap-
3 propriation during the preceding calendar quarter
4 for expenses incurred by the Attorney General on
5 (1) measures, personnel, structures, and devices to
6 deter and prevent illegal entry of persons and con-
7 traband into the United States by land or by sea,
8 and to return excludable aliens and (2) construction,
9 maintenance, and operation of facilities to expedite
10 lawful border traffic.”.

11 **TITLE III—INTERIOR**

12 **ENFORCEMENT**

13 **SEC. 301. INVESTIGATIVE PERSONNEL.**

14 (a) The number of full-time investigator positions in
15 the Immigration and Naturalization Service shall be in-
16 creased above the number of such positions authorized as
17 of October 31, 1996 by 500 in fiscal year 1997, by 1,000
18 in fiscal year 1998, by 1,500 in fiscal year 1999, by 2,000
19 in fiscal year 2000, and by 2,500 in fiscal year 2001.

20 (b) There is authorized to be appropriated for each
21 of the fiscal years 1997, 1998, 1999, 2000, and 2001 such
22 amounts as may be necessary to provide for the increase
23 in positions provided by subsection (a) and for such sup-
24 port personnel as are necessary.

1 **SEC. 302. COMMON-LAW SEARCHES RESTORED.**

2 Section 287 of the Immigration and Nationality Act
3 is amended by striking subsection (e) and redesignating
4 subsection (f) as subsection (e).

5 **SEC. 303. DETENTION FACILITIES.**

6 Not later than January 1, 1996, the Secretary of De-
7 fense shall provide to the Attorney General a list of all
8 military bases and installations within the United States
9 which contain facilities that are (1) suitable for the deten-
10 tion of aliens by the Attorney General and (2) are closed,
11 are scheduled to be closed, or otherwise are not being uti-
12 lized for defense-related purposes and shall notify the At-
13 torney General of any subsequent deletions from or addi-
14 tions to such list. Upon the request of the Attorney Gen-
15 eral, the Secretary of Defense shall make available to the
16 Attorney General such facilities as the Attorney General
17 shall identify from the list as needed for the detention of
18 aliens and shall render to the Attorney General such as-
19 sistance as the Attorney General may require to take pos-
20 session of and operate such facilities.

21 **SEC. 304. JURISDICTION OVER IMMIGRATION CASES.**

22 Section 1295(a) of title 28, United States Code, is
23 amended—

24 (1) by striking “and” at the end of paragraph
25 (13);

1 (2) by striking the period at the end of para-
2 graph (14) and inserting “; and”; and

3 (3) by inserting after paragraph (14) the fol-
4 lowing:

5 “(15) of an appeal from a final decision of a
6 district court of the United States of any case aris-
7 ing under the Immigration and Nationality Act.”.

8 **SEC. 305. ALIENS IN DEPORTATION.**

9 (a) PENALTY FOR UNLAWFUL PRESENCE.—The Im-
10 migration and Nationality Act is amended by adding after
11 section 276 the following new section:

12 “SEC. 276A. An alien whose presence in the United
13 States is in violation of any provision of this Act when
14 proceedings to deport the alien commence shall be subject
15 to a civil penalty when a final order of deportation is made
16 against the alien. The amount of the penalty shall be the
17 greater of (1) the actual cost of deporting the alien, or
18 (2) the estimate by the Commissioner of the average cost
19 of deporting an alien that was last published in the Fed-
20 eral Register prior to the making of the final order of de-
21 portation. During each fiscal year the Commissioner shall
22 cause to be published in the Federal Register an estimate
23 of the average cost of deporting an alien during the pre-
24 ceding fiscal year. For purposes of this section, the cost
25 of deporting an alien includes all direct and indirect costs

1 of detection, apprehension, detention, processing, and
2 transportation.”.

3 (b) SEIZURE OF CERTAIN PROPERTY.—The Immi-
4 gration and Nationality Act is amended by adding after
5 section 242B:

6 “SEC. 242C. (a) If the Attorney General determines
7 that an alien, found to be deportable, has at any time en-
8 gaged in unauthorized employment or in any commercial
9 enterprise during any period of unlawful presence in the
10 United States or has received any Federal financial benefit
11 to which such alien was not entitled, then all property real
12 or personal, of the alien in the United States, wherever
13 situated, shall be seized and subject to forfeiture, except
14 that, in cases where such seizure and forfeiture would re-
15 sult in severe financial hardship of the alien or of any
16 United States citizen or permanent resident alien that is
17 the spouse, minor child, or parent of the alien, the Attor-
18 ney General, the sole discretion of the Attorney General,
19 may exempt from seizure and forfeiture an amount of
20 property not exceeding \$10,000.

21 “(b) Any property subject to seizure under this sec-
22 tion may be seized without warrant if circumstances exist
23 where a warrant is not constitutionally required.

24 “(c) All provisions of law relating to the seizure, sum-
25 mary and judicial forfeiture, and condemnation of prop-

erty for the violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

“(d) Whenever property is forfeited under this section, the Attorney General may—

“(1) retain the property for official use;

“(2) sell the property, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and courts costs; and

“(3) deposit any moneys or proceeds from the sale of seized property not used to pay expenses in

1 accordance with paragraph (2) to the Penalties and
2 Confiscation Account.

3 “(e) In all suits or actions brought for the forfeiture
4 of any property of an alien seized under this section, where
5 an interest in such property is claimed by any person other
6 than such alien, the burden of proof shall lie upon such
7 claimant, except that probable cause shall be first shown
8 for the institution of such suit or action.”.

9 **SEC. 306. IMMIGRATION PENALTIES AND CONFISCATIONS.**

10 Section 286 of the Immigration and Nationality Act
11 (8 U.S.C. 1356) is amended—

12 (1) in subsection (b)(1) by striking subpara-
13 graph “(A)” and in subparagraph (B) by striking
14 subparagraph “(B)”.

15 (2) by amending subsection (r) to read as fol-
16 lows:

17 “(r) PENALTIES AND CONFISCATIONS ACCOUNT.—

18 “(1) Notwithstanding any other provision of
19 law, all breached cash and surety bonds that are
20 posted under this chapter and are recovered, all civil
21 fines or penalties collected pursuant to this Act, and
22 all money confiscated, and all proceeds from the sale
23 of property confiscated, pursuant to this Act, shall
24 be deposited as offsetting receipts into a separate ac-

1 count entitled ‘Penalties and Confiscations Account’
2 in the Treasury of the United States.

3 “(2) Each calendar quarter the Secretary of the
4 Treasury shall refund out of the Penalties and
5 Confiscations Account to any appropriation the
6 amount paid out of such appropriation during the
7 preceding calendar quarter for expenses incurred by
8 the Attorney General in the detection, apprehension,
9 detention, and deportation of aliens who are unlaw-
10 fully present in the United States.’”.

11 **SEC. 307. COMMUNICATIONS.**

12 Notwithstanding any other provision of law, no agen-
13 cy, officer, or employee of the United States shall be pro-
14 hibited or in any way restricted from communicating with
15 the Immigration and Naturalization Service regarding the
16 immigration status of an alien.

17 **SEC. 308. VOLUNTARY DEPARTURE.**

18 Section 244 of the Immigration and Nationality Act
19 (8 U.S.C. 1254) is amended—

20 (1) in subsection (e) by adding at the end the
21 following:

22 “(3) When granting permission to depart volun-
23 tarily under the authority contained in paragraph
24 (1), the Attorney General shall inform the alien of
25 the date and year, not more than 6 months from the

1 date on which such permission is communicated, by
 2 which such departure must be accomplished. No
 3 postponement of the initially prescribed departure
 4 date may be granted”;

5 (2) in subsection (f) striking “; or” at the end
 6 of paragraph (2) and inserting a semicolon

7 (3) in paragraph (3) by striking the period at
 8 the end and inserting “; or”; and

9 (4) by adding after paragraph (3) the following:

10 “(4) was permitted by the Attorney General to
 11 depart voluntarily under subsection (e)(1) and did
 12 not depart by the date prescribed in accordance with
 13 subsection (e)(3).”.

14 **TITLE IV—DOCUMENT REFORM**

15 **SEC. 401. SECURE WORK ELIGIBILITY DOCUMENTS.**

16 (a) EXAMINATION OF DOCUMENTS.—Effective Janu-
 17 ary 1, 1997, section 274A of the Immigration and Nation-
 18 ality Act (8 U.S.C. 1324a) is amended by striking sub-
 19 paragraphs (A) through (D) of subsection (b)(1) and in-
 20 serting the following:

21 “(A) IN GENERAL.—The person or entity
 22 must attest, under penalty of perjury and on a
 23 form designated or established by the Attorney
 24 General by regulation, that it has verified that
 25 the individual is not an unauthorized alien by—

1 “(i) examining the document de-
2 scribed in subparagraph (B) in the case of
3 an individual claiming to be a United
4 States citizen or United States national;

5 “(ii) examining the document de-
6 scribed in subparagraph (C) in the case of
7 an individual not claiming to be a United
8 States citizen or a United States national;
9 and

10 “(iii) reporting the individual’s Social
11 Security account number to the Social Se-
12 curity Administration through the elec-
13 tronic verification system established pur-
14 suant to section 402 of the Immigration
15 Reduction Act of 1995.

16 “(B) DOCUMENTS OF CITIZENS AND NA-
17 TIONALS.—The document described in this
18 paragraph is an individual’s Social Security ac-
19 count number card issued pursuant to section
20 401(c) of the Immigration Reduction Act of
21 1995.

22 “(C) DOCUMENTS OF ALIENS.—The docu-
23 ment described in this paragraph is an alien’s
24 identification card issued by the Immigration
25 and Naturalization Service pursuant to section

1 401(b) of the Immigration Reduction Act of
2 1995.”.

3 (b) IMPROVEMENT OF ALIEN IDENTITY CARDS.—

4 (1) PERMANENT RESIDENT ALIENS.—The At-
5 torney General shall cause to be issued to every alien
6 acquiring lawful permanent residence in the United
7 States after June 30, 1996, and, upon application,
8 to any alien who acquired lawful permanent resi-
9 dence before July 1, 1996, an alien identification
10 card that shall—

11 (A) be uniform in appearance,

12 (B) be as tamper-proof and counterfeit-re-
13 sistant as practicable,

14 (C) contain a photograph and fingerprint,

15 (D) display the name, sex, date of birth,
16 place of birth, and such other identifying infor-
17 mation as the Attorney General shall determine,
18 and

19 (E) incorporate a machine-readable encod-
20 ing of the information displayed on the card
21 and such other information as may serve to pre-
22 vent counterfeiting or other misuse of the card.

23 (2) OTHER ALIENS.—The Attorney General
24 shall cause to be issued to every alien who becomes
25 authorized to work in the United States after June

1 30, 1996, other than by reason of lawful admission
2 for permanent residence, and shall cause to be is-
3 sued, upon application, to any other alien who is au-
4 thorized to work in the United States other than by
5 reason of lawful admission for permanent residence
6 an alien identification card that shall—

7 (A) be uniform in appearance,

8 (B) be as tamper-proof and counterfeit-re-
9 sistant as practicable,

10 (C) contain a photograph and fingerprint,

11 (D) display the alien's name, sex, date of
12 birth, place of birth, and such other identifying
13 information as the Attorney General shall de-
14 termine,

15 (E) show an expiration date that shall be
16 determined in accordance with regulations is-
17 sued by the Attorney General, but shall not in
18 any case be later than 3 calendar years after
19 the date of issuance, and

20 (F) incorporate a machine-readable encod-
21 ing of the information displayed on the card
22 and such other information as may serve to pre-
23 vent counterfeiting or other misuse of the card.

24 (c) IMPROVEMENT OF SOCIAL SECURITY CARDS.—

1 (1) ISSUANCE OF ENHANCED CARD FOR CITI-
2 ZENS.—The Secretary shall cause to be issued en-
3 hanced Social Security account number cards to
4 United States citizens and United States nationals
5 who are 16 years of age or older upon application,
6 proof of identity, proof of citizenship or nationality,
7 and payment of a reasonable fee.

8 (2) ISSUANCE OF ENHANCED CARD FOR
9 ALIENS.—The Secretary shall cause to be issued en-
10 hanced Social Security account number cards to
11 aliens lawfully admitted for permanent residence or
12 who are otherwise authorized to work in the United
13 States and who are 16 years of age or older upon
14 application, proof of identity, verification of status
15 by the Immigration and Naturalization Service, and
16 payment of a reasonable fee.

17 (3) REQUIREMENTS OF NEW CARDS.—

18 (A) The cards issued pursuant to para-
19 graphs (1) and (2) shall—

20 (i) be uniform in appearance,

21 (ii) be as tamper-proof and counter-
22 feit-resistant as is practicable,

23 (iii) contain a photograph and such
24 other identifying information that is spe-

1 cific to each person as the Secretary shall
2 determine,

3 (iv) contain the name, sex, date of
4 birth, citizenship status, and Social Secu-
5 rity account number of the issuee, and

6 (v) incorporate a machine-readable en-
7 coding of the information contained in the
8 card.

9 (B) The cards issued pursuant to para-
10 graph (2) to aliens who are not permanent resi-
11 dent aliens shall indicate whether the work au-
12 thorization granted to the alien has an expira-
13 tion date.

14 (4) SECRETARY DEFINED.—For purposes of
15 this subsection, the Secretary means the Secretary
16 of Health and Human Services.

17 (d) REASONABLE FEE.—The amount of the fee that
18 is to be charged under subsections (b) and (c) shall be
19 the amount, not exceeding \$50, required to cover the costs
20 of issuing the card (rounded to the nearest whole dollar).

21 (e) NO OTHER CARDS.—No Social Security account
22 number card or alien identification card shall be issued
23 after June 30, 1996, whether as an original card or as
24 a replacement, that does not satisfy the requirements of
25 this section.

1 (f) DEFINITIONS.—For purposes of this section—

2 (1) “place of birth” means, for an individual—

3 (A) born in a State, the 2-letter symbol
4 used by the United States Postal Service to
5 identify that State, or

6 (B) not born in a State, such 2-letter sym-
7 bol as the Secretary shall determine by regula-
8 tions;

9 (2) “State” means one of the United States,
10 the District of Columbia, Puerto Rico, the United
11 States Virgin Islands, or Guam.

12 **SEC. 402. ELECTRONIC VERIFICATION.**

13 (a) SOCIAL SECURITY DATABASE.—By September
14 30, 1996, the Secretary of Health and Human Services
15 shall make such modifications to the Social Security ac-
16 count number data base (NUMIDENT) as are practicable
17 and as enable confirmation through the electronic verifica-
18 tion system described in subsection (d) that a Social Secu-
19 rity account number has been issued to an individual iden-
20 tified by last name, sex, year of birth, and place of birth
21 and that such individual is not known to the Secretary
22 of Health and Human Services to be an alien not author-
23 ized to work in the United States. At a minimum the data
24 base shall be modified to enable confirmation that a Social
25 Security account number is not assigned to an individual

1 authorized to work in the United States because the num-
2 ber—

3 (1) has not been issued,

4 (2) was issued to an individual known by the
5 Secretary of Health and Human Services as not au-
6 thorized to work,

7 (3) was issued to a person that is deceased and
8 has not been reissued, or

9 (4) was issued to an alien that any data base
10 of the Immigration and Naturalization Service shows
11 is not authorized to work in the United States.

12 The Attorney General shall provide such assistance as the
13 Secretary of Health and Human Services may require to
14 merge or otherwise make use of any data base of the Im-
15 migration and Naturalization Service for the purposes of
16 this section.

17 (b) EXCHANGE OF INFORMATION.—The Attorney
18 General shall notify the Secretary of Health and Human
19 Services of the expiration of an alien's authorization to
20 work in the United States not later than 14 calendar days
21 after the date of expiration. The Secretary of Health and
22 Human Services shall furnish the Attorney General with
23 a list of any aliens for whom confirmation of work eligi-
24 bility has been requested not later than 5 calendar days
25 after such request. Such list shall include the telephone

1 number from which the request was made and the em-
2 ployer identification number of the requester.

3 (c) ADULT APPLICANTS.—The Secretary of Health
4 and Human Services shall furnish to the Attorney General
5 a copy of any application (including supporting docu-
6 mentation) for a Social Security account number by an
7 alien or by an individual over 16 years of age who claims
8 to be a United States citizen or national and shall not
9 issue a number before the earlier of the following dates—

10 (1) the date on which the Attorney General con-
11 firms in writing that his records do not show that
12 the applicant is an alien not authorized to work in
13 the United States, or

14 (2) 60 days after a copy of the application and
15 supporting documentation has been delivered to the
16 Attorney General.

17 (d) ELECTRONIC VERIFICATION SYSTEM.—Before
18 January 1, 1997, the Secretary of Health and Human
19 Services shall test and place in operation a system whereby
20 an employer can report by touch-tone telephone or point-
21 of-service device his employer identification number and
22 the Social Security account number, last name, sex, year
23 of birth, and place of birth of any individual who is to
24 be employed and can receive immediate confirmation that
25 the number was issued to the individual having that iden-

1 tity and that such person is not identified within the Social
2 Security account number data base as an individual who
3 is not a United States citizen, a United States national,
4 or an alien authorized to work in the United States. The
5 charge for each call will be sufficient to cover the costs
6 of operating the system, except that it shall not exceed
7 \$2.00 plus any line charges payable to the telephone car-
8 rier. The system shall provide for access to a live operator
9 if an entry is not accepted or confirmed, shall provide a
10 verification code to the caller, shall create and maintain
11 a record of each inquiry (including the telephone number
12 of the requester) and its verification code for not less than
13 2 years, and shall accommodate devices that read the en-
14 coding incorporated by a card issued under section 401(b)
15 or 401(c).

16 (e) ABUSE OF SYSTEM.—The use of the telephone
17 verification system established by subsection (d) by a per-
18 son other than—

19 (1) an employer acting pursuant to section
20 274A(b)(1) of the Immigration and Nationality Act,
21 or

22 (2) an officer or employee of an agency of the
23 United States or of any State acting in the perform-
24 ance of official duties, shall be punishable by a fine
25 of not more than \$1,000 per occurrence.

1 **SEC. 403. UNIFORM VITAL STATISTICS.**

2 The Secretary of Health and Human Services shall
3 consult with the State agencies responsible for registration
4 and certification of births and deaths and, within 2 years
5 of the date of enactment of this Act, shall establish a na-
6 tional electronic network linking the vital statistics records
7 of such States. The network shall provide, where practical,
8 for the matching of deaths with births and shall enable
9 the confirmation of births and deaths of citizens of the
10 United States, or of aliens within the United States, by
11 any Federal or State agency or official in the performance
12 of official duties. The Secretary shall institute measures
13 to achieve uniform and accurate reporting of vital statis-
14 tics into the national network, to protect the integrity of
15 the registration and certification process, and to prevent
16 fraud against the Government and other persons through
17 the use of false birth or death certificates.

18 **SEC. 404. EMPLOYMENT AUTHORIZATION.**

19 Section 274A of the Immigration and Nationality Act
20 (8 U.S.C. 1324a) is amended—

21 (1) in subsection (h)(3), by striking “or by the
22 Attorney General”; and

23 (2) by adding the following sentence at the end
24 of subsection (h)(3): “The Attorney General shall
25 not authorize any alien who has not lawfully immi-
26 grated to the United States to be employed in the

1 United States or to carry on any trade or business
2 within the United States unless (A) the alien has a
3 lawfully obtained visa for a nonimmigrant status
4 that explicitly contemplates such performance of
5 services or such carrying on of a trade or business
6 within the United States, or (B) such authorization
7 is explicitly permitted by this Act.”.

8 **TITLE V—STATE AND LOCAL**
9 **RESPONSIBILITIES**

10 **SEC. 501. LOCAL COOPERATION.**

11 If the Attorney General certifies that any State or
12 local government or agency, or any elected or appointed
13 officer or employee thereof in the exercise of the individ-
14 ual’s official duties, has announced or practiced a policy
15 of refusing to cooperate with Federal immigration authori-
16 ties with respect to the identification, location, arrest,
17 prosecution, detention, or deportation of an alien or aliens
18 who are not lawfully present in the United States or a
19 policy of disregarding any Federal law or regulation relat-
20 ing to the denial of benefits to any class of aliens, then,
21 from the date that such certification is published in the
22 Federal Register until the date that the Attorney General
23 certifies that the policy has been retracted, that State or
24 local government or agency will not be eligible for any

1 Federal funds or assistance relating to law enforcement,
2 education, public health, transportation, or public works.

3 **SEC. 502. NOTIFICATION OF ALIEN ARREST.**

4 Whenever a law enforcement agency of any State or
5 subdivision thereof that receives Federal funds arrests an
6 alien for the commission of a crime, that agency shall
7 promptly provide notice of the alien's identity and the cir-
8 cumstances of his arrest to the District Director of the
9 Immigration and Naturalization Service for the district in
10 which the alien is being held or, if the alien is not being
11 held, for the district in which the alien was arrested.

12 **SEC. 503. IMMIGRATION-RELATED COMMUNICATIONS.**

13 (a) FREEDOM OF COMMUNICATION.—Notwithstand-
14 ing any other provision of law, no State or local govern-
15 ment or agency or employee thereof shall be prohibited
16 or prevented in any way from communicating with the Im-
17 migration and Naturalization Service regarding the immi-
18 gration status of an alien.

19 (b) CONFIDENTIALITY OF COMMUNICATIONS.—

20 (1) Any officer or employee of the United
21 States, who by virtue of his employment or official
22 position receives or learns of a communication de-
23 scribed in subsection (a), is prohibited from disclos-
24 ing to any person who is not an employee or officer
25 of the United States information about an individual

1 that was included in such communication other than
2 pursuant to the administration and enforcement of
3 the (A) Immigration and Nationality Act and other
4 laws of the United States regulating the admission,
5 presence, and departure of aliens, and (B) any
6 criminal law of the United States or of the several
7 States.

8 (2) Any officer or employee of the United
9 States who knowingly makes a disclosure prohibited
10 by this subsection shall be guilty of a misdemeanor
11 and fined not more than \$1,000 per disclosure.

12 **SEC. 504. LAW ENFORCEMENT ASSISTANCE.**

13 (a) Section 3041 of title 18, United States Code, is
14 amended by adding after the first comma in the first sen-
15 tence “including entry into, or presence within, the United
16 States in violation of any United States law regulating im-
17 migration,”.

18 (b) Section 103 of the Immigration and Nationality
19 Act (8 U.S.C. 1103) is amended by adding at the end the
20 following new subsection:

21 “(e)(1) The Attorney General may deputize any law
22 enforcement officer of any State or of any political subdivi-
23 sion of any State to seek, apprehend, detain, and commit
24 to the custody of an officer of the Department of Justice
25 aliens who have violated or are reasonably suspected to

1 have violated the provisions of this Act and to conduct
2 investigations with respect to any such violations or sus-
3 pected violations, if—

4 “(A) actions pursuant to such deputization are
5 subject to the direction and supervision of an officer
6 of the Department of Justice;

7 “(B) the duration of any such deputization is
8 not more than 2 years, subject to extensions or re-
9 newals at the discretion of the Attorney General
10 which shall not exceed 2 years;

11 “(C) any deputization, its duration, an identi-
12 fication of the supervising officer of the Department
13 of Justice, and the specific powers, privileges, and
14 duties to be performed or exercised are set forth in
15 writing; and

16 “(D) the Governor of the State, or the chief
17 elected or appointed official of a political subdivision
18 (as may be appropriate) consents to the deputiza-
19 tion.

20 “(2) No deputization under this subsection shall enti-
21 tle any State, political subdivision, or individual to any
22 compensation or reimbursement from the United States,
23 except where the amount thereof and the entitlement
24 thereto are set forth in the written deputization or where
25 otherwise explicitly provided by law.”.

1 **TITLE VI—RESTRICTING WEL-**
2 **FARE AND PUBLIC BENEFITS**
3 **FOR ALIENS**

4 **SEC. 600. STATEMENTS OF NATIONAL POLICY CONCERNING**
5 **WELFARE AND IMMIGRATION.**

6 The Congress makes the following statements con-
7 cerning national policy with respect to welfare and immi-
8 gration:

9 (1) Self-sufficiency has been a basic principle of
10 United States immigration law since this country's
11 earliest immigration statutes.

12 (2) It continues to be the immigration policy of
13 the United States that—

14 (A) aliens within the nation's borders not
15 depend on public resources to meet their needs,
16 but rather rely on their own capabilities and the
17 resources of their families, their sponsors, and
18 private organizations, and

19 (B) the availability of public benefits not
20 constitute an incentive for immigration to the
21 United States.

22 (3) Despite the principle of self-sufficiency,
23 aliens have been applying for and receiving public
24 benefits from Federal, State, and local governments
25 at increasing rates.

1 (4) Current eligibility rules for public assistance
2 and unenforceable financial support agreements have
3 proved wholly incapable of assuring that individual
4 aliens not burden the public benefits system.

5 (5) It is a compelling government interest to
6 enact new rules for eligibility and sponsorship agree-
7 ments in order to assure that aliens be self-reliant
8 in accordance with national immigration policy.

9 (6) It is a compelling government interest to re-
10 move the incentive for illegal immigration provided
11 by the availability of public benefits.

12 **Subtitle A—Eligibility for Federal**
13 **Benefits Programs**

14 **SEC. 601. INELIGIBILITY OF ILLEGAL ALIENS FOR CERTAIN**
15 **PUBLIC BENEFITS PROGRAMS.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law and except as provided in subsections (b) and
18 (c), any alien who is not lawfully present in the United
19 States shall not be eligible for any Federal means-tested
20 public benefits program (as defined in section 631(d)(2)).

21 (b) EXCEPTION FOR EMERGENCY ASSISTANCE.—
22 Subsection (a) shall not apply to the provision of non-cash,
23 in-kind emergency assistance (including emergency medi-
24 cal services).

1 (c) TREATMENT OF HOUSING-RELATED ASSIST-
2 ANCE.—Subsection (a) shall not apply to any program for
3 housing or community development assistance adminis-
4 tered by the Secretary of Housing and Urban Develop-
5 ment, any program under title V of the Housing Act of
6 1949, or any assistance under section 306C of the Consoli-
7 dated Farm and Rural Development Act, except that in
8 the case of financial assistance (as defined in section
9 214(b) of the Housing and Community Development Act
10 of 1980), the provisions of section 214 of such Act shall
11 apply instead of subsection (a).

12 **SEC. 602. INELIGIBILITY OF NONIMMIGRANTS FOR CER-**
13 **TAIN PUBLIC BENEFITS PROGRAMS.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law and except as provided in subsections (b) and
16 (c), any alien who is lawfully present in the United States
17 as a nonimmigrant shall not be eligible for any Federal
18 means-tested public benefits program.

19 (b) EXCEPTIONS.—

20 (1) EMERGENCY ASSISTANCE.—Subsection (a)
21 shall not apply to the provision of non-cash, in-kind
22 emergency assistance (including emergency medical
23 services).

24 (2) ALIENS GRANTED ASYLUM.—Subsection (a)
25 shall not apply to an alien who is granted asylum

1 under section 208 of the Immigration and National-
2 ity Act or whose deportation has been withheld
3 under section 243(h) of such Act.

4 (3) TREATMENT OF TEMPORARY AGRICUL-
5 TURAL WORKERS.—Subsection (a) shall not apply to
6 a nonimmigrant admitted as a temporary agricul-
7 tural worker under section 101(a)(15)(H)(ii)(a) of
8 the Immigration and Nationality Act or as the
9 spouse or minor child of such a worker under section
10 101(a)(15)(H)(iii) of such Act.

11 (c) TREATMENT OF HOUSING-RELATED ASSIST-
12 ANCE.—Subsection (a) shall not apply to any program for
13 housing or community development assistance adminis-
14 tered by the Secretary of Housing and Urban Develop-
15 ment, any program under title V of the Housing Act of
16 1949, or any assistance under section 306C of the Consoli-
17 dated Farm and Rural Development Act, except that in
18 the case of financial assistance (as defined in section
19 214(b) of the Housing and Community Development Act
20 of 1980), the provisions of section 214 of such Act shall
21 apply instead of subsection (a).

22 (d) TREATMENT OF ALIENS PAROLED INTO THE
23 UNITED STATES.—An alien who is paroled into the
24 United States under section 212(d)(5) of the Immigration
25 and Nationality Act for a period of less than 1 year shall

1 be considered, for purposes of this subtitle, to be lawfully
2 present in the United States as a nonimmigrant.

3 **SEC. 603. LIMITED ELIGIBILITY OF IMMIGRANTS FOR 5**
4 **SPECIFIED FEDERAL PUBLIC BENEFITS PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law and except as provided in subsection (b), any
8 alien who is lawfully present in the United States shall
9 not be eligible for any of the following Federal means-test-
10 ed public benefits programs:

11 (1) SSI.—The supplemental security income
12 program under title XVI of the Social Security Act.

13 (2) TEMPORARY ASSISTANCE FOR NEEDY FAMI-
14 LIES.—The program of block grants to States for
15 temporary assistance for needy families under part
16 A of title IV of the Social Security Act.

17 (3) SOCIAL SERVICES BLOCK GRANT.—The pro-
18 gram of block grants to States for social services
19 under title XX of the Social Security Act.

20 (4) MEDICAID.—The program of medical assist-
21 ance under title XIX of the Social Security Act.

22 (5) FOOD STAMPS.—The program under the
23 Food Stamp Act of 1977.

24 (b) EXCEPTIONS.—

1 (1) TIME-LIMITED EXCEPTION FOR REFUG-
2 GEES.—Subsection (a) shall not apply to an alien
3 admitted to the United States as a refugee under
4 section 207 of the Immigration and Nationality Act
5 until 5 years after the date of such alien’s arrival
6 into the United States.

7 (2) CERTAIN LONG-TERM, PERMANENT RESI-
8 DENT, AGED ALIENS.—Subsection (a) shall not
9 apply to an alien who—

10 (A) has been lawfully admitted to the
11 United States for permanent residence;

12 (B) is over 75 years of age; and

13 (C) has resided in the United States for at
14 least 5 years.

15 (3) VETERAN AND ACTIVE DUTY EXCEPTION.—
16 Subsection (a) shall not apply to an alien who is
17 lawfully residing in any State (or any territory or
18 possession of the United States) and is—

19 (A) a veteran (as defined in section 101 of
20 title 38, United States Code) with a discharge
21 characterized as an honorable discharge,

22 (B) on active duty (other than active duty
23 for training) in the Armed Forces of the United
24 States, or

1 (C) the spouse or unmarried dependent
2 child of an individual described in subparagraph
3 (A) or (B).

4 Subparagraph (A) shall not apply in the case of a
5 veteran who has been separated from military serv-
6 ice on account of alienage.

7 (4) EMERGENCY ASSISTANCE.—Subsection (a)
8 shall not apply to the provision of non-cash, in-kind
9 emergency assistance (including emergency medical
10 services).

11 (5) TRANSITION FOR CURRENT BENE-
12 FICIARIES.—Subsection (a) shall not apply to the eli-
13 gibility of an alien for a program until 1 year after
14 the date of the enactment of this Act if, on such
15 date of enactment, the alien is lawfully residing in
16 any State or any territory or possession of the
17 United States and is eligible for the program.

18 (6) CERTAIN PERMANENT RESIDENT AND DIS-
19 ABLED ALIENS.—Subsection (a) shall not apply to
20 an alien who—

21 (A) has been lawfully admitted to the
22 United States for permanent residence; and

23 (B) is unable because of physical or devel-
24 opmental disability or mental impairment (in-
25 cluding Alzheimer's disease) to comply with the

1 naturalization requirements of section 312(a) of
2 the Immigration and Naturalization Act.

3 **SEC. 604. NOTIFICATION.**

4 Each Federal agency that administers a program to
5 which section 601, 602, or 603 applies shall, directly or
6 through the States, post information and provide general
7 notification to the public and to program recipients of the
8 changes regarding eligibility for any such program pursu-
9 ant to this subtitle.

10 **Subtitle B—Eligibility for State**
11 **and Local Public Benefits Pro-**
12 **grams**

13 **SEC. 611. INELIGIBILITY OF ILLEGAL ALIENS FOR STATE**
14 **AND LOCAL PUBLIC BENEFITS PROGRAMS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law and except as otherwise provided in this sec-
17 tion, no alien who is not lawfully present in the United
18 States (as determined in accordance with regulations of
19 the Attorney General) shall be eligible for any State
20 means-tested public benefits program (as defined in sec-
21 tion 631(d)(3)).

22 (b) EXCEPTION FOR EMERGENCY ASSISTANCE.—
23 Subsection (a) shall not apply to the provision of non-cash,
24 in-kind emergency assistance (including emergency medi-
25 cal services).

1 **SEC. 612. INELIGIBILITY OF NONIMMIGRANTS FOR STATE**
2 **AND LOCAL PUBLIC BENEFITS PROGRAMS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law and except as otherwise provided in this sec-
5 tion, no alien who is lawfully present in the United States
6 as a nonimmigrant shall be eligible for any State means-
7 tested public benefits program (as defined in section
8 631(d)(3)).

9 (b) EXCEPTIONS.—

10 (1) EMERGENCY ASSISTANCE.—The limitations
11 under subsection (a) shall not apply to the provision
12 of non-cash, in-kind emergency assistance (including
13 emergency medical services).

14 (2) ALIENS GRANTED ASYLUM.—Subsection (a)
15 shall not apply to an alien who is granted asylum
16 under section 208 of the Immigration and National-
17 ity Act or whose deportation has been withheld
18 under section 243(h) of such Act.

19 (3) TREATMENT OF TEMPORARY AGRICUL-
20 TURAL WORKERS.—Subsection (a) shall not apply to
21 a nonimmigrant admitted as a temporary agricul-
22 tural worker under section 101(a)(15)(H)(ii)(a) of
23 the Immigration and Nationality Act or as the
24 spouse or minor child of such a worker under section
25 101(a)(15)(H)(iii) of such Act.

1 (c) TREATMENT OF ALIENS PAROLED INTO THE
2 UNITED STATES.—An alien who is paroled into the
3 United States under section 212(d)(5) of the Immigration
4 and Nationality Act for a period of less than 1 year shall
5 be considered, for purposes of this subtitle, to be lawfully
6 present in the United States as a nonimmigrant.

7 **SEC. 613. STATE AUTHORITY TO LIMIT ELIGIBILITY OF IM-**
8 **MIGRANTS FOR STATE AND LOCAL MEANS-**
9 **TESTED PUBLIC BENEFITS PROGRAMS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law and except as otherwise provided in this section
12 or section 612, a State is authorized to determine eligi-
13 bility requirements for aliens who are lawfully present in
14 the United States for any State means-tested public bene-
15 fits program.

16 (b) EXCEPTIONS.—

17 (1) TIME-LIMITED EXCEPTION FOR REFU-
18 GEES.—The authority under subsection (a) shall not
19 apply to an alien admitted to the United States as
20 a refugee under section 207 of the Immigration and
21 Nationality Act until 5 years after the date of such
22 alien's arrival into the United States.

23 (2) CERTAIN LONG-TERM, PERMANENT RESI-
24 DENT, AGED ALIENS.—The authority under sub-
25 section (a) shall not apply to an alien who—

1 (A) has been lawfully admitted to the
2 United States for permanent residence;

3 (B) is over 75 years of age; and

4 (C) has resided in the United States for at
5 least 5 years.

6 (3) VETERAN AND ACTIVE DUTY EXCEPTION.—

7 The authority under subsection (a) shall not apply
8 to an alien who is lawfully residing in any State (or
9 any territory or possession of the United States) and
10 is—

11 (A) a veteran (as defined in section 101 of
12 title 38, United States Code) with a discharge
13 characterized as an honorable discharge,

14 (B) on active duty (other than active duty
15 for training) in the Armed Forces of the United
16 States, or

17 (C) the spouse or unmarried dependent
18 child of an individual described in subparagraph
19 (A) or (B).

20 Subparagraph (A) shall not apply in the case of a
21 veteran who has been separated from military serv-
22 ice on account of alienage.

23 (4) EMERGENCY ASSISTANCE.—The authority
24 under subsection (a) shall not apply to the provision

1 of non-cash, in-kind emergency assistance (including
2 emergency medical services).

3 (5) TRANSITION.—The authority under sub-
4 section (a) shall not apply to eligibility of an alien
5 for a State means-tested public benefits program
6 until 1 year after the date of the enactment of this
7 Act if, on such date of enactment, the alien is law-
8 fully present in the United States and is eligible for
9 benefits under the program. Nothing in the previous
10 sentence is intended to address alien eligibility for
11 such a program before the date of the enactment of
12 this Act.

13 **Subtitle C—Attribution of Income**
14 **and Affidavits of Support**

15 **SEC. 421. ATTRIBUTION OF SPONSOR'S INCOME AND RE-**
16 **SOURCES TO FAMILY-SPONSORED IMMI-**
17 **GRANTS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law and except as provided in subsection (c), in
20 determining the eligibility and the amount of benefits of
21 an alien for any means-tested public benefits program (as
22 defined in section 631(d)) the income and resources of the
23 alien shall be deemed to include—

24 (1) the income and resources of any person who
25 executed an affidavit of support pursuant to section

1 213A of the Immigration and Nationality Act (as
2 added by section 622) in behalf of such alien, and

3 (2) the income and resources of the spouse (if
4 any) of the person.

5 (b) APPLICATION.—Subsection (a) shall apply with
6 respect to an alien until such time as the alien achieves
7 United States citizenship through naturalization pursuant
8 to chapter 2 of title III of the Immigration and National-
9 ity Act.

10 (c) EXCEPTION FOR HOUSING-RELATED ASSIST-
11 ANCE.—Subsection (a) shall not apply to any program for
12 housing or community development assistance adminis-
13 tered by the Secretary of Housing and Urban Develop-
14 ment, any program under title V of the Housing Act of
15 1949, or any assistance under section 306C of the Consoli-
16 dated Farm and Rural Development Act.

17 **SEC. 622. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF**
18 **SUPPORT.**

19 (a) IN GENERAL.—Title II of the Immigration and
20 Nationality Act is amended by inserting after section 213
21 the following new section:

22 “REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

23 “SEC. 213A. (a) ENFORCEABILITY.—No affidavit of
24 support may be accepted by the Attorney General or by
25 any consular officer to establish that an alien is not ex-

1 cludable as a public charge under section 212(a)(4) unless
2 such affidavit is executed as a contract—

3 “(1) which is legally enforceable against the
4 sponsor by the Federal Government and by any
5 State (or any political subdivision of such State)
6 which provides any means-tested public benefits pro-
7 gram, but not later than 10 years after the alien last
8 receives any such benefit; and

9 “(2) in which the sponsor agrees to submit to
10 the jurisdiction of any Federal or State court for the
11 purpose of actions brought under subsection (e)(2).
12 Such contract shall be enforceable with respect to benefits
13 provided to the alien until such time as the alien achieves
14 United States citizenship through naturalization pursuant
15 to chapter 2 of title III.

16 “(b) FORMS.—Not later than 90 days after the date
17 of enactment of this section, the Attorney General, in con-
18 sultation with the Secretary of State and the Secretary
19 of Health and Human Services, shall formulate an affida-
20 vit of support consistent with the provisions of this sec-
21 tion.

22 “(c) STATUTORY CONSTRUCTION.—Nothing in this
23 section shall be construed to grant third party beneficiary
24 rights to any sponsored alien under an affidavit of
25 support.

1 “(d) NOTIFICATION OF CHANGE OF ADDRESS.—(1)
2 The sponsor shall notify the Federal Government and the
3 State in which the sponsored alien is currently resident
4 within 30 days of any change of address of the sponsor
5 during the period specified in subsection (a)(1).

6 “(2) Any person subject to the requirement of para-
7 graph (1) who fails to satisfy such requirement shall be
8 subject to a civil penalty of—

9 “(A) not less than \$250 or more than \$2,000,
10 or

11 “(B) if such failure occurs with knowledge that
12 the sponsored alien has received any benefit under
13 any means-tested public benefits program, not less
14 than \$2,000 or more than \$5,000.

15 “(e) REIMBURSEMENT OF GOVERNMENT EX-
16 PENSES.—(1)(A) Upon notification that a sponsored alien
17 has received any benefit under any means-tested public
18 benefits program, the appropriate Federal, State, or local
19 official shall request reimbursement by the sponsor in the
20 amount of such assistance.

21 “(B) The Attorney General, in consultation with the
22 Secretary of Health and Human Services, shall prescribe
23 such regulations as may be necessary to carry out sub-
24 paragraph (A).

1 “(2) If within 45 days after requesting reimburse-
2 ment, the appropriate Federal, State, or local agency has
3 not received a response from the sponsor indicating a will-
4 ingness to commence payments, an action may be brought
5 against the sponsor pursuant to the affidavit of support.

6 “(3) If the sponsor fails to abide by the repayment
7 terms established by such agency, the agency may, within
8 60 days of such failure, bring an action against the spon-
9 sor pursuant to the affidavit of support.

10 “(4) No cause of action may be brought under this
11 subsection later than 10 years after the alien last received
12 any benefit under any means-tested public benefits pro-
13 gram.

14 “(f) DEFINITIONS.—For the purposes of this sec-
15 tion—

16 “(1) SPONSOR.—The term ‘sponsor’ means an
17 individual who—

18 “(A) is a citizen or national of the United
19 States or an alien who is lawfully admitted to
20 the United States for permanent residence;

21 “(B) is 18 years of age or over; and

22 “(C) is domiciled in any State.

23 “(2) MEANS-TESTED PUBLIC BENEFITS PRO-
24 GRAM.—The term ‘means-tested public benefits pro-
25 gram’ means a program of public benefits (including

1 cash, medical, housing, and food assistance and so-
 2 cial services) of the Federal Government or of a
 3 State or political subdivision of a State in which the
 4 eligibility of an individual, household, or family eligi-
 5 bility unit for benefits under the program, or the
 6 amount of such benefits, or both are determined on
 7 the basis of income, resources, or financial need of
 8 the individual, household, or unit.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 of such Act is amended by inserting after the item relating
 11 to section 213 the following:

“Sec. 213A. Requirements for sponsor’s affidavit of support.”.

12 (c) EFFECTIVE DATE.—Subsection (a) of section
 13 213A of the Immigration and Nationality Act, as inserted
 14 by subsection (a) of this section, shall apply to affidavits
 15 of support executed on or after a date specified by the
 16 Attorney General, which date shall be not earlier than 60
 17 days (and not later than 90 days) after the date the Attor-
 18 ney General formulates the form for such affidavits under
 19 subsection (b) of such section.

20 **Subtitle D—General Provisions**

21 **SEC. 631. DEFINITIONS.**

22 (a) IN GENERAL.—Except as otherwise provided in
 23 this section, the terms used in this title have the same
 24 meaning given such terms in section 101(a) of the Immi-
 25 gration and Nationality Act.

1 (b) **LAWFUL PRESENCE.**—For purposes of this title,
2 the determination of whether an alien is lawfully present
3 in the United States shall be made in accordance with reg-
4 ulations of the Attorney General. An alien shall not be
5 considered to be lawfully present in the United States for
6 purposes of this title merely because the alien may be con-
7 sidered to be permanently residing in the United States
8 under color of law for purposes of any particular program.

9 (c) **STATE.**—As used in this title, the term “State”
10 includes the District of Columbia, Puerto Rico, the Virgin
11 Islands, Guam, the Northern Mariana Islands, and Amer-
12 ican Samoa.

13 (d) **PUBLIC BENEFITS PROGRAMS.**—As used in this
14 title—

15 (1) **MEANS-TESTED PROGRAM.**—The term
16 “means-tested public benefits program” means a
17 program of public benefits (including cash, medical,
18 housing, and food assistance and social services) of
19 the Federal Government or of a State or political
20 subdivision of a State in which the eligibility of an
21 individual, household, or family eligibility unit for
22 benefits under the program, or the amount of such
23 benefits, or both are determined on the basis of in-
24 come, resources, or financial need of the individual,
25 household, or unit.

1 (2) FEDERAL MEANS-TESTED PUBLIC BENE-
2 FITS PROGRAM.—The term “Federal means-tested
3 public benefits program” means a means-tested pub-
4 lic benefits program of (or contributed to by) the
5 Federal Government and under which the Federal
6 Government has specified standards for eligibility
7 and includes the programs specified in section
8 603(a).

9 (3) STATE MEANS-TESTED PUBLIC BENEFITS
10 PROGRAM.—The term “State means-tested public
11 benefits program” means a means-tested public ben-
12 efits program of a State or political subdivision of a
13 State under which the State or political subdivision
14 specifies the standards for eligibility, and does not
15 include any Federal means-tested public benefits
16 program.

17 **SEC. 632. CONSTRUCTION.**

18 Nothing in this title shall be construed as addressing
19 alien eligibility for governmental programs that are not
20 means-tested public benefits programs.

Subtitle E—Conforming Amendments

SEC. 641. CONFORMING AMENDMENTS RELATING TO AS- SISTED HOUSING.

(a) LIMITATIONS ON ASSISTANCE.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) by striking “Secretary of Housing and Urban Development” each place it appears and inserting “applicable Secretary”;

(2) in subsection (b), by inserting after “National Housing Act,” the following: “the direct loan program under section 502 of the Housing Act of 1949 or section 502(c)(5)(D), 504, 521(a)(2)(A), or 542 of such Act, subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act,”;

(3) in paragraphs (2) through (6) of subsection (d), by striking “Secretary” each place it appears and inserting “applicable Secretary”;

(4) in subsection (d), in the matter following paragraph (6), by striking “the term ‘Secretary’” and inserting “the term ‘applicable Secretary’”; and

(5) by adding at the end the following new subsection:

1 “(h) For purposes of this section, the term ‘applicable
2 Secretary’ means—

3 “(1) the Secretary of Housing and Urban De-
4 velopment, with respect to financial assistance ad-
5 ministered by such Secretary and financial assist-
6 ance under subtitle A of title III of the Cranston-
7 Gonzalez National Affordable Housing Act; and

8 “(2) the Secretary of Agriculture, with respect
9 to financial assistance administered by such Sec-
10 retary.”.

11 (b) CONFORMING AMENDMENTS.—Section 501(h) of
12 the Housing Act of 1949 (42 U.S.C. 1471(h)) is
13 amended—

14 (1) by striking “(1)”;

15 (2) by striking “by the Secretary of Housing
16 and Urban Development”; and

17 (3) by striking paragraph (2).

18 **Subtitle F—Exclusion of Aliens**
19 **Likely to Become Public Charges**

20 **SEC. 651. EXCLUSION OF ALIENS LIKELY TO BECOME PUB-**
21 **LIC CHARGES.**

22 Section 212(a) of the Immigration and Nationality
23 Act (8 U.S.C. 1182(a)) is amended by striking paragraph
24 (4) and inserting the following:

1 “(4) PUBLIC CHARGE.—Any alien who cannot
2 demonstrate to the consular officer at the time of
3 application for a visa, or to the Attorney General at
4 the time of application for admission or adjustment
5 of status, that, taking into account the alien’s age
6 and medical condition, the alien has assets, edu-
7 cation, skills, or a combination thereof that make it
8 very unlikely that the alien will become eligible for
9 means-tested public assistance of any kind (includ-
10 ing, but not limited to, medical care or food and
11 housing assistance) or will otherwise become a public
12 charge is excludable.”.

13 **TITLE VII—STRENGTHENING**
14 **CITIZENSHIP**

15 **SEC. 701. CONSTITUTIONAL CITIZENSHIP.**

16 In the exercise of its powers under section 5 of the
17 Fourteenth Article of Amendment to the Constitution of
18 the United States, the Congress has determined and here-
19 by declares that any person born after the date of enact-
20 ment of this Act to a mother who is neither a citizen of
21 the United States nor admitted to the United States as
22 a lawful permanent resident, and which person is a na-
23 tional or citizen of another country of which either of his
24 or her natural parents is a national or citizen, or is enti-
25 tled upon application to become a national or citizen of

1 such country, shall be considered as born subject to the
2 jurisdiction of that foreign country and not subject to the
3 jurisdiction of the United States within the meaning of
4 section 1 of such Article and shall therefore not be a citi-
5 zen of the United States or of any State solely by reason
6 of birth within the United States.

7 **SEC. 702. CONSTITUTIONAL VOTING PRIVILEGE.**

8 In the exercise of its powers under section 5 of the
9 Fourteenth Article of Amendment to the Constitution of
10 the United States to enforce the prohibition of section 1
11 of such Article against the making or enforcing of any law
12 that shall abridge the privileges or immunities of citizens
13 of the United States, the Congress determines that the
14 right of citizens to vote is a privilege of citizens of the
15 United States and that voting in elections of the United
16 States or of any State by persons who are not citizens
17 of the United States is an abridgement of that privilege.
18 It shall be unlawful, and a misdemeanor punishable by a
19 fine of not more than \$1,000 and/or imprisonment of not
20 more than 30 days for each unlawful vote, for any person
21 who is not a citizen of the United States to vote in any
22 election to which the provisions of the Fifteenth, Nine-
23 teenth, Twenty-Fourth, or Twenty-Sixth Article of
24 Amendment to the Constitution applies or in any other
25 election, referendum, ballot, or other procedure of the

1 United States or of any State in which votes are taken.
2 Any vote that is cast in violation of this section shall be
3 null, void, and of no effect and shall not be counted.

4 **SEC. 703. NATURALIZATION.**

5 (a) REQUIREMENTS FOR NON-ELDERLY ALIENS.—
6 Section 312 of the Immigration and Nationality Act (8
7 U.S.C. 1423) is amended by—

8 (1) striking all that follows “this Act,” in para-
9 graph (1) and inserting “is over 65 years of age and
10 has been living in the United States for periods to-
11 taling at least 20 years subsequent to a lawful ad-
12 mission for permanent residence.”;

13 (2) striking “and” after “applicant;” in para-
14 graph (1);

15 (3) striking “the period” after “United States”
16 in subsection (2) and inserting “; and”; and

17 (4) adding the following sentence after para-
18 graph (2): “The demonstration required by this sec-
19 tion shall be made in the physical presence of an em-
20 ployee of the Immigration and Naturalization Serv-
21 ice.”.

22 (b) GOOD MORAL CHARACTER REQUIREMENT.—Sec-
23 tion 316 of the Immigration and Nationality Act (8 U.S.C.
24 1427) is amended by adding the following sentence at the
25 end of subsection (a): “Action by the alien to commit a

1 fraud upon the Immigration and Naturalization Service
2 in connection with his own admission or to aid or abet
3 the commission of such a fraud by any other alien shall
4 be considered conclusive evidence that the alien lacks good
5 moral character.”.

6 **SEC. 704. LEGAL ACTIONS BY STATE AND LOCAL GOVERN-**
7 **MENTS.**

8 (a) ACTIONS BY STATES AND THEIR POLITICAL SUB-
9 DIVISIONS.—The Immigration and Nationality Act is
10 amended by adding the following new section after section
11 293 (8 U.S.C. 1363):

12 **“SEC. 294. ACTIONS BASED ON IMMIGRATION LAW VIOLA-**
13 **TIONS.**

14 “(a) ACTIONS AGAINST THE UNITED STATES.—The
15 Governor or Attorney General of any State may commence
16 a civil suit on behalf of the State and any of its political
17 subdivisions against the head of any agency of the Federal
18 Government upon an allegation that the number of aliens
19 entering or residing in the State in violation of this Act
20 has increased, is increasing, or is likely to increase by rea-
21 son of (1) a failure of such agency to perform within a
22 reasonable time any nondiscretionary act or duty under
23 an immigration-related law, (2) a policy of such agency
24 to authorize, encourage, or enable one or more classes of
25 excludable or deportable aliens to remain within the Unit-

1 ed States or be employed within the United States, or (3)
2 a policy of such agency of releasing from the custody of
3 the United States excludable or deportable aliens without
4 effective provision for their prompt departure or return
5 to custody. Any such action shall be brought in a United
6 States district court for a district that is wholly or partly
7 within the State bringing the suit or in the United States
8 District Court for the District of Columbia. The district
9 court shall have jurisdiction to order the head of any agen-
10 cy of the United States to perform any act or duty re-
11 quired by an immigration-related law. If the court finds
12 that the actions or policies of the department or agency
13 were in willful and prolonged disregard of any immigra-
14 tion-related law, the court may order the United States
15 to reimburse the State or any of its political subdivisions
16 for the direct costs to the State or the political subdivision
17 attributable to such actions.

18 “(b) LITIGATION COSTS.—If an action under this
19 section is against a party other than a department or
20 agency of the United States, the court may award the
21 costs of litigation (including reasonable attorney and ex-
22 pert witness fees) to the prevailing party, whenever the
23 court determines such an award is appropriate.

24 “(c) DEFINITION.—For purposes of this section, the
25 term ‘immigration-related law’ means this Act and any

1 Federal law that limits or prohibits the provision of finan-
2 cial assistance to ineligible aliens or the expenditure of
3 funds for the benefit of ineligible aliens.’’.

4 **TITLE VIII—IMMIGRATION AND** 5 **NATURALIZATION SERVICE**

6 **SEC. 801. ESTABLISHMENT OF INDEPENDENT AGENCY.**

7 For the purposes of maintaining order in the admis-
8 sion and departure of aliens, of protecting American work-
9 ers from unfair competition with alien workers, and of pro-
10 tecting the general public from crime, terrorism, abuse of
11 public benefits and facilities, environmental degradation,
12 and other adverse consequences of uncontrolled entry of
13 person or property across the borders of the United
14 States, the Immigration and Naturalization Service is es-
15 tablished as an agency of the United States Government
16 outside of the Department of Justice. The Immigration
17 and Naturalization Service shall execute and enforce the
18 provisions of the Immigration and Nationality Act. The
19 funds, property, and personnel of the Immigration and
20 Naturalization Service of the Department of Justice are
21 transferred to the Immigration and Naturalization Service
22 that is established by this section.

23 **SEC. 802. CONFORMING AMENDMENTS.**

24 (a) The Immigration and Nationality Act is amend-
25 ed—

1 (1) by striking “of the Department of Justice”
2 in section 101(a)(34);

3 (2) by striking “which are conferred upon the
4 Attorney General as may be delegated to him by the
5 Attorney General or which may be prescribed by the
6 Attorney General” in section 103(b); and

7 (3) by striking “Attorney General” from all sec-
8 tions of the Act except section 101(a)(5) and insert-
9 ing “Commissioner”.

10 (b) Sections 1551 and 1552 of title 8, United States
11 Code, are repealed.



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